

RESOLUTION NO. 4 4 6 1

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, CONSTITUTING
AN ORDER REGARDING THE MAXIMUM
PERMITTED EQUIPMENT AND INSTALLATION
RATES SET FORTH IN THE FEDERAL
COMMUNICATIONS COMMISSION FORM 1205
FILED BY COMCAST CABLE COMMUNICATIONS
LLC ON OR ABOUT APRIL 1, 2008

WHEREAS, Section 623 of the Cable Communications Policy Act of 1984, 47 U.S.C. § 543, as amended, authorizes local franchising authorities, such as the City of Auburn, Washington (hereinafter the "City"), to regulate rates for equipment and installations; and

WHEREAS, the City is certified as a rate regulation authority pursuant to rules of the Federal Communications Commission (hereinafter "FCC"); and

WHEREAS, Comcast Cable Communications LLC, (hereinafter "Comcast"), parent of the local franchise holder, filed with the City an FCC Form 1205 "Determining Regulated Equipment and Installation Costs, 'Equipment Form'", dated April 1, 2008, purporting to set forth and justify the rates it proposed to charge to subscribers for equipment and installations (hereinafter the "2008 FCC Form 1205"); and

WHEREAS, the City provided interested parties with an opportunity to comment on the 2008 FCC Form 1205; and

WHEREAS, the rates set forth herein will govern Comcast's equipment rates and installation charges until Comcast lawfully implements a further rate change pursuant to applicable FCC regulations,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
HEREBY RESOLVES as follows:

Section 1. Comcast's maximum permitted rates and charges for equipment and installation, as calculated in the 2008 FCC Form 1205, are neither approved nor denied, but may function as a rate ceiling during the relevant rate period.

Section 2. Comcast shall not charge any rates higher than the applicable maximum permitted rates set in the 2008 FCC Form 1205 nor increase those rates, unless such rates are first filed with and approved by the City, in accordance with applicable law and regulations, including but not limited to the notice requirements imposed by 47 C.F.R. § 76.932, or as otherwise expressly permitted under applicable law and regulations.

Section 3. Comcast may charge rates less than the lawful maximum permitted rates for equipment and installation, as long as such rates are applied in a uniform and nondiscriminatory way, pursuant to applicable federal, state and local laws and regulations. The City, however, shall not be deemed to have approved such rates.

Section 4. This Order is based on the representations made by Comcast in its 2008 FCC Form 1205. Should information come to the City's attention that these representations were inaccurate in any material way; the City reserves the right to take appropriate action. This Order is not to be construed as a finding that the City has accepted as correct any specific entry, explanation, calculation or rate in the 2008 FCC Form 1205.

Section 5. The City reserves all of its rights with respect to rate regulation, including (but not limited to): (i) the right to request and review data, and documents concerning the 2008 FCC Form 1205 in order to determine the impact, if any, such data and documents have on rates proposed in future equipment and installation rate filings; (ii) the right to address issues raised in the 2008 FCC Form 1205 that are relevant to any City review of subsequent equipment and installation rate filings; and (iii) the right to request additional information concerning the 2008 FCC Form 1205 that is relevant to any City review of subsequent equipment and installation rate filings.

Section 6. This Order constitutes a written decision for purposes of 47 C.F.R. § 76.936(a).

Section 7. This Order shall be released to the public and to Comcast, and a public notice shall be published stating that this Order has been issued and is available for review, pursuant to 47 C.F.R. § 76.936(b).

Section 8. That the Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 9. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2009.


CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney